

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PETER KIEWIT SONS', INC.,)

Plaintiff,)

v.)

WALL STREET EQUITY GROUP, INC.,)

WALL STREET GROUP OF)

COMPANIES, INC., SHEPHERD)

FRIEDMAN, and STEVEN S. WEST,)

Defendants.)

8:10CV365

MEMORANDUM AND ORDER

The parties cannot agree on who should be retained to perform a forensic examination of the defendants' computer equipment. Since the forensic examiner's testimony may be necessary at trial, and the trial will be before a jury in Nebraska,

IT IS ORDERED:

- 1) The forensic examination of the defendants' computer equipment will be performed by Continuum Worldwide, 3333 Farnam Street, Suite 1, Omaha, NE 68131, (402) 916-1800.
- 2) On or before November 16, 2011, the defendants must produce for forensic examination the three external hard-drives their counsel brought to yesterday's hearing **and** the two servers Arthur Bertke moved (one in late July of 2011 and one on October 5, 2011) from the separate Server Room to Defendants' offices in the McNab Business Plaza.
- 3) The examination shall include identifying files containing the word "Kiewit," and determining if and, by date, when attempts have been made to "scrub" the hard drives or remove computer files or entries containing the word "Kiewit."
- 4) In accordance with the court's local rules, any brief in response to the plaintiff's motion for sanctions and for an order requiring the defendants to pay for the forensic examination of the defendants' computer files, (filing no. 135), shall be filed on or before November 21, 2011.

November 9, 2011

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge